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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 MICHAEL A. HAMILTON,

8 Plaintiff(s),

9 v.

10 FEDERAL JUSTICE DEPARTMENT,

11 Defendant(s).

Case No. 2:17-CV-2856 JCM (DJA)

ORDER

12  
13 Presently before the court is Magistrate Judge Hoffman's report and recommendation  
14 ("R&R"). (ECF No. 5).

15 Judge Hoffman recommends dismissing *pro se* plaintiff Michael A. Hamilton's  
16 complaint with prejudice for failure to state a claim upon which relief can be granted. (ECF No.  
17 5). Plaintiff brings claims against the Federal Justice Department, alleging it has been disturbing  
18 him with ever-intensifying audio messages for approximately seven years. (ECF No. 1).  
19 Plaintiff alleges these messages have caused him pain, seizures, and seven heart attacks. *Id.*  
20 Additionally, plaintiff alleges the Justice Department has attempted to murder him by breaking  
21 into his home and putting feces in his medications. *Id.* Even construing these allegations  
22 liberally, Judge Hoffman recommends dismissing the complaint because it describes delusional  
23 scenarios that do not state a claim upon which relief can be granted. (ECF No. 5).

24 This court "may accept, reject, or modify, in whole or in part, the findings or  
25 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
26 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
27 determination of those portions of the [report and recommendation] to which objection is made."  
28 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and attendant circumstances, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Hoffman's R&R (ECF No. 5) be, and the same hereby is, ADOPTED.

IT IS FURTHER ORDERED that plaintiff's complaint is hereby DISMISSED with prejudice.

The clerk is instructed to enter judgment and close the case accordingly.

DATED March 16, 2020.

James C. Mahan  
UNITED STATES DISTRICT JUDGE